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BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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JAN 22 1996

In the Matter of )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

ADVANCED TELEVISION SYSTEMS )

MM Docket No. 87-268

And Their Impact Upon The )

Existing Television Broadcast Services )

TO: The Commission

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Reply Comments

MALRITE COMMUNICATIONS GROUP, INC. ("Malrite"), by its attorneys, pursuant to Sections 1.415 and 1.419 of the Commission's Rules, hereby submits its instant Reply Comments to the Commission's Fourth Further Notice Of Proposed Rule Making and Third Notice Of Inquiry, 10 FCC Rcd 10540 (1995) ("NPRM").<sup>1</sup>

In its NPRM, the Commission solicited further comment on various issues relating to Advanced Television ("ATV"), including the forthcoming transition to digital broadcast television.

The Commission's NPRM sets forth the following goal for this proceeding:

1. Preserving future universal broadcast service;

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<sup>1</sup> By Order Granting Extension Of Time For Filing Reply Comments, \_\_ FCC Rcd \_\_, DA 96-8 (Mass Media Bureau, January 11, 1996), the deadline for the filing of reply comments in this proceeding was extended to January 22, 1996. Accordingly, Malrite's instant Reply Comments re timely filed.

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2. Fostering an expedition and orderly transition of digital technology that will allow the public to receive the benefits of digital television while taking into account of consumer investment in NTSC television sets;
3. Managing the spectrum to permit the recovery contiguous blocks of spectrum so as to promote spectrum efficiency and to allow the public the full benefit of its spectrum; and
4. Ensuring that the spectrum -- both ATV channels and recovered NTSC channels -- will be used in a manner that best serves the public interest.

NPRM, supra, 10 FCC Rcd at 10541 ¶6.

While these are appropriate goals, unfortunately, the debate on ATV appears to have shifted in recent months with a view toward revisiting the basic underlying premises that underlie our system of free over-the-air broadcast television. At this very moment, there are calls in Congress and in other quarters to auction off the transitional ATV spectrum. Unfortunately, it seems as if these revenue-enhancement issues have taken center-stage in the policy debate on ATV. The proper focus of the Commission's policy inquiries in this proceeding should be how best to effectuate the transition of broadcast television service from the analogue mode to the digital mode as quickly as possible, with a minimum of disruption to the public while fostering the continuation of a free, competitive, universal over-the-air television broadcast system.

Preservation of free, universal, local over-the-air broadcast television must be reemphasized as a paramount national policy. For these reasons, Malrite supports the comments of numerous other broadcasters in this proceeding who have endorsed adoption of the following policies regarding implementation of ATV:

1. Initial ATV assignments should be paired with existing NTSC licenses and should be assigned to existing broadcasters, not as a new license, but, rather, as a modification of the existing NTSC license to conform to the upgraded ATV service.

2. Eligibility for paired ATV channels should be based on existing terms of eligibility for NTSC channels;

3. A phase-in of full-time simulcasting of NTSC programming on the transitional digital ATV channel; and

4. Return of the NTSC spectrum at a future date.

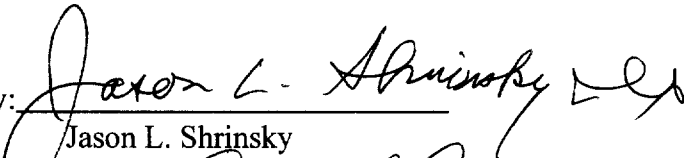
In addition, Malrite supports other commenters who have suggested that, if the Commission requires broadcasters to make the transition to digital systems, it should exercise its power under the All Channel Receiver Act to require TV set manufacturers to make all television sets sold after a date certain capable of receiving and displacing digital broadcast transmissions. After such a date, every NTSC-only television set should be packaged with a warning that it is incapable of receiving broadcasts without modifications.

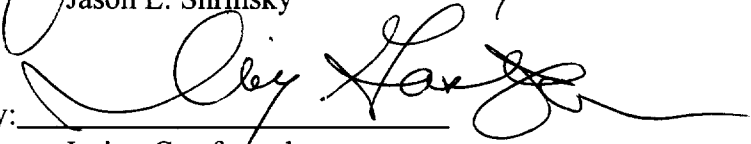
The future of free, over-the-air broadcast television is at stake in this proceeding, and the Commission must be mindful of this fact. Proper transition to ATV systems will necessitate a

recognition by the Commission and other lawmakers that the future of free over-the-air television must not be sacrificed on the alter of the current budget debate.

Respectfully submitted,

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